

**Denial, Suspension, and Revocation
of Trauma Facility Designation**
Legend: (Proposed Amendments)

Single Underline = Proposed new language

[Bold Print and Brackets] = Current language proposed for deletion

Regular Print = Current language

(No Change) = No changes are being considered for the designated subdivision

(a) **[A hospital's]** An applicant/healthcare facility's application for designation may be denied or a **[trauma]** healthcare facility's **[facility]** trauma designation may be suspended or revoked for, but not limited to, the following reasons:

(1) failure to comply with the statute and these sections;

(2) willful preparation or filing of false reports or records;

(3) fraud or deceit in obtaining or attempting to obtain designation status;

(4) refusal to submit data to the **[state trauma registry]** Texas EMS/Trauma Registry;

(5) failure to maintain required licenses, designations, and accreditations or when disciplinary action has been taken against the **[hospital]** healthcare facility by a licensing agency;

(6) failure to have appropriate staff or equipment required for designation as described in §157.125 of this title (relating to Requirements for Trauma Facility Designation);

(7) abuse or abandonment of a patient;

(8) unauthorized disclosure of medical or other confidential information;

(9) alteration or inappropriate destruction of medical records;

(10) refusal to render care because of a patient's race, sex, creed, national origin, sexual preference, age, handicap, medical problem, or inability to pay; or

(11) criminal conviction(s) as described in the Occupations Code, Chapter 53, Subchapter B.

(b) Occasional failure of a **[hospital or]** healthcare facility to meet designation criteria shall not be grounds for denial, suspension or revocation by the **[Bureau of Emergency Management (bureau)]** Office of EMS/Trauma Systems Coordination (Office), if the circumstances under which the failure occurred:

(1) do not reflect an overall deterioration in quality of and commitment to trauma care; and

(2) are corrected within a reasonable timeframe by the **[hospital or]** healthcare facility.

(c) If the **[bureau]** Office proposes to deny, suspend, or revoke a designation, the **[bureau]** Office shall notify the **[hospital or]** healthcare facility at the address shown in the current records of the department. The notice shall state the alleged facts that warrant the action and state

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that the **[hospital or]** healthcare facility has an opportunity to request a hearing in accordance with **[the Administrative Procedure Act, Government Code,]** Chapter 2001 of the Texas Government Code

(1) The **[hospital or]** healthcare facility shall request a hearing in writing and submit it to the **[bureau chief]** Director of the Office within 15 days after the date of the denial, suspension, or revocation notice.

(2) If the **[hospital or]** healthcare facility does not request a hearing in writing, after being sent the notice of opportunity for hearing, it is deemed to have waived the opportunity for a hearing and the denial, suspension, or revocation decision shall stand.

(d) Six months after the denial of **[a hospital's]** an applicant/healthcare facility's **[application for]** designation, the **[hospital]** applicant/healthcare facility may reapply for trauma facility designation as described in §157.125 of this title.

(e) When a designation has been suspended, the suspension shall be in effect a minimum of 10 days. Upon completion of the assigned suspension time, designation shall resume.

(f) One year after the revocation of a healthcare facility's designation, the **[hospital]** healthcare facility may reapply for designation as described in §157.125 of this title. The **[bureau]** Office may deny designation if the **[bureau]** Office determines that the reason for the revocation continues to exist.